

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

SEAN DAVID COTTLE,

Plaintiff,

v.

NEVADA DEPARTMENT OF  
CORRECTIONS, et al,

Defendants.

Case No. 3:12-cv-00645-MMD-WGC

ORDER

Before the Court is Magistrate Judge William J. Cobb's Report and Recommendation ("R&R") (ECF No. 172) recommending that the Court (1) grant Plaintiff's request (ECF No. 166) to withdraw his motions for reconsideration/relief from judgment (ECF Nos. 134, 146 and 151) and (2) dismiss Plaintiff's action with prejudice and enter a judgment of dismissal. No objections to the R&R were filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v.*

1 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review  
2 employed by the district court when reviewing a report and recommendation to which no  
3 objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.  
4 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that  
5 district courts are not required to review "any issue that is not the subject of an  
6 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
7 the court may accept the R&R without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at  
8 1226 (accepting, without review, a magistrate judge's recommendation to which no  
9 objection was filed).

10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
11 determine whether to adopt Magistrate Judge Cobb's R&R. Upon reviewing the R&R  
12 and the records in this case, the Court finds good cause to adopt the Magistrate Judge's  
13 R&R in full.

14 It is hereby ordered that the R&R (ECF No. 172) is accepted and adopted in full.

15 It is further ordered that Plaintiff's request (ECF No. 166) to withdraw his motions  
16 for reconsideration/relief from judgment (ECF Nos. 134, 146 and 151) is granted.

17 It is further ordered that Plaintiff's action is dismissed with prejudice.

18 The Clerk of Court is directed to enter a judgment of dismissal.

19 DATED THIS 13<sup>th</sup> day of September 2016.

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22 MIRANDA M. DU  
23 UNITED STATES DISTRICT JUDGE  
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